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Shaver  
10/15/02  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of **Corbett**, et al : Date: October 04, 2002  
Serial Number: 09/829,888 : Group Art Unit: 2834  
Filed: April 10, 2001 : Examiner: P. Cuevas  
Title: **Linear Actuator** : IBM CORPORATION  
Intellectual Property Law  
Department 9CCA/Building 002/2  
P.O. Box 12195  
Research Triangle Park, NC 27709

AMENDMENT UNDER 37 CFR §1.111

Commissioner for Patents and Trademarks  
Washington, D. C. 20231

Dear Sir:

In response to the Office Action dated **September 18, 2002**, please  
find the following response:

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CERTIFICATE OF MAILING PURSUANT TO 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail under 37 CFR §1.8 in an envelope addressed to Commissioner for Patents and Trademarks, Washington D.C. 20231 on the date indicated below.

Date of Mailing: 10/4/02 Signature of person mailing: Amirah Scarborough

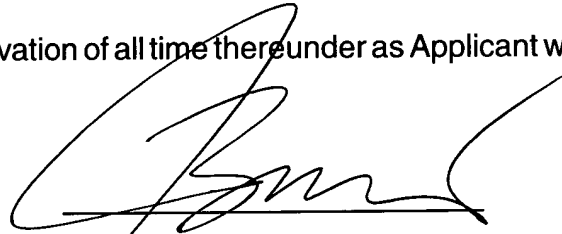
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09/829,888

### **PRELIMINARY REMARKS**

Claims 1-30 are pending in the present application. Examiner has asserted a restriction is required as to one of two asserted invention categories including: (Group I) Claims 1-15 and (Group II) Claims 16-30.

### **REMARKS**

Applicant has reviewed Examiner's comments. Applicant elects the linear actuator Group I claim set (now 1-15), without prejudice, per 37 C.F.R. §1.142(b). Applicant requests removal of the Examiner's restriction requirement. *Applicant also notes that there has been and remains no substantive action on the merits for the present Application since its original filing now over 18 months ago.* Applicant requests an early and favorable action from Examiner, and, in accordance and as would be permitted to the extent allowed under 35 U.S.C. §154, Applicant also requests a reservation of all time thereunder as Applicant would be entitled to. By:



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Dated: 10/4/02

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